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09/682,522

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David Cooper

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28395 7590 10/10/2008

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EXAMINER

SAINDON, WILLIAM V

ART UNIT

PAPER NUMBER

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MAIL DATE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* DAVID COOPER, W. JIM FISH, KAREN WAHL,  
and MARK KOVAL

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Application No. 09/682,522  
Technology Center 3600

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Mailed: October 10, 2008

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Before DALE M. SHAW *Chief Appeals Administrator*  
SHAW, *Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 28, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

A review of the Image File Wrapper (IFW) indicates that counsel for the Appellants filed a Request to Reopen Prosecution on July 7, 2008. Therefore, this application is being return to the Examiner for consideration of the Request to Reopen Prosecution.

### **CONCLUSION**

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) to consider the Request to Reopen Prosecution filed July 7, 2008;
- 2) provide appropriate written notification by the Examiner to Appellants of such consideration; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/pgc

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